

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREGORY DENNIS FIELD,

Plaintiff,

v.

SNOHOMISH COUNTY CORRECTIONS
CENTER, et al.,

Defendants.

CASE NO. C14-1347-TSZ-MAT

REPORT AND RECOMMENDATION

INTRODUCTION AND SUMMARY CONCLUSION

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Gregory Field alleges in this action that he has been denied his religious diet preference during the course of his confinement at the Snohomish County Jail in violation of his rights under the First Amendment. Plaintiff identified as defendants in his complaint Snohomish County Corrections Officers Dave Oster and Tony Cedric, as well as the Snohomish County Corrections Center. The Snohomish County Prosecuting Attorney's Office has now filed a motion to dismiss on behalf of Snohomish County Corrections.¹ Plaintiff has not filed a response to the pending motion to dismiss.² The

¹ The motion notes that there is, in fact, no facility named Snohomish County Corrections Center, and that plaintiff is housed in the Snohomish County Jail. The Snohomish County Corrections Bureau, which is one of four bureaus within the Snohomish County Sheriff's Office, and the Snohomish County Jail, are referred to herein as Snohomish County Corrections.

1 Court, having reviewed the motion to dismiss, and the balance of the record, concludes that the
2 motion to dismiss should be granted and that defendant Snohomish County Corrections should
3 be dismissed from this action.

4 DISCUSSION

5 Snohomish County Corrections moves to be dismissed from this action on the grounds
6 that Snohomish County Corrections is not a legal entity capable of being sued. The capacity to
7 sue or be sued in federal court is determined by the law of the state where the court is located.
8 Rule 17(b), Federal Rules of Civil Procedure. The Washington courts have made clear that “in a
9 legal action involving a county, the county itself is the only legal entity capable of suing and
10 being sued.” *See Nolan v. Snohomish County*, 59 Wn.App. 876, 883 (1990). Thus, Snohomish
11 County Corrections, which is essentially a department within Snohomish County, is not a legal
12 entity that is capable of being sued in this action.

13 CONCLUSION

14 For the foregoing reasons, Snohomish County Corrections’ motion to dismiss should be
15 granted and Snohomish County Corrections should be dismissed from this action. This matter
16 will proceed as to the individual defendants Dave Oster and Tony Cedric. A proposed order
17 accompanies this Report and Recommendation.

18 DEADLINE FOR OBJECTIONS

19 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
20 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
21 and Recommendation is signed. Failure to file objections within the specified time may affect
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23 ² Plaintiff recently filed a motion for continuance in which he asks for time to obtain counsel before being
required to respond to the motion to dismiss. However, the legal issue presented in the pending motion to dismiss is
a basic one which requires no response. Accordingly, plaintiff’s request for a continuance (Dkt. 12) is DENIED.

1 your right to appeal. Objections should be noted for consideration on the District Judge's
2 motions calendar for the third Friday after they are filed. Responses to objections may be filed
3 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
4 matter will be ready for consideration by the District Judge on **December 12, 2014**.

5 DATED this 17th day of November, 2014.

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8 Mary Alice Theiler
9 Chief United States Magistrate Judge
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